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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,848	08/04/2003	Hiroshi Tomita	086142-0571	5071
22428	7590	10/21/2005		
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER ILAN, RUTH	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,848

Applicant(s)

TOMITA, HIROSHI

Examiner

Ruth Ilan

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 8/04/05. These drawings are approved.

Specification

2. The disclosure is objected to because of the following informalities: As amended, in paragraph 33, line 2 "rob" should be "rod".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell et al. (GB 2328244.) Bell et al. teaches a seat belt buckle that is part of a pretensioner (see page 1, lines 4-6) and is associated with a retractor (see page 1, lines 10-12.) The buckle is a connector portion that is configured to receive an anchor (tongue, see page 6, line 5.) The connector portion, or buckle includes a frame (1) having a channel (4) for receiving the anchor or tongue; a latch (5) releasably engaging the tongue; a leaf spring (6) for biasing the latch (5) into an engaged position with the tongue, and a sliding plate (1) with a biasing leaf spring (12) that prevents disengagement of the latch (5) during operation of the pretensioner (see page 7, line 1 to page 8, line 1.) Please note that anchor is a sufficiently broad term to include the

Art Unit: 3616

tongue of Bell. For further discussion on this issue, see the Response to arguments section below.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Denis (US 6,409,217 B1.) Denis teaches a seatbelt device including a pretensioner (see col. 7, line 40-col. 8, line 2) configured to cooperate with an anchor (12/73.) Also taught are a tongue (10) and a buckle (13) and a retractor (8.) The pretensioner includes a connector portion (55, see Figure 6) and the anchor is inserted into the connector portion. The connector portion includes a latch mechanism that includes a latch (76) that engages the anchor and an elastic pressing member (78) for pressing the latch in the direction of engagement. Also taught is a disengagement prevention mechanism that prevents disengagement (teeth of catch 42, see col. 8, lines 12-38.)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 3616

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wier (US 6,179,330 B1) in view of Denis (US 6,409,217 B1) and Bell et al. (GB 2328244.) Wier (Figure 2) teaches a seat belt device having a pretensioner (31) configured to cooperate with an anchor (4) and further including a buckle (13), tongue (11) and a retractor (5.) Weir does not provide details of the connection between the anchor and the pretensioner, and as such does not teach a latched connection. Denis teaches that it is useful to provide a latched connection for the anchor, because such a connection provides for ease of installation (see col. 4, lines 34-39.) Bell teaches a latched connection of the type claimed, in that it includes a connector portion, with a frame (1) having a channel (4) for receiving the anchor or tongue; a latch (5) releasably engaging the tongue; a leaf spring (6) for biasing the latch (5) into an engaged position with the tongue, and a sliding plate (1) with a biasing leaf spring (12) that prevents disengagement of the latch (5) during operation of the pretensioner (see page 7, line 1 to page 8, line 1.) Bell teaches that the advantage of such a connection is that it provides a pretensioner proof latched connection that remains closed (see page 1, lines 15-27 and page 7, lines 22 and 23) and further does not jam (page 2, lines 18-20.) It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the connection between the anchor and the pretensioner of Wier, in view of the teachings of Denis and Bell, to include a latched connection that provides for

Art Unit: 3616

ease of installation, as taught by Denis, and is pretensioner proof and does not fail open, as taught by Bell.

Response to Arguments

9. Applicant's arguments filed 8/4/05 have been fully considered but they are not persuasive. Applicant asserts that Bell fails to teach the claimed invention because a tongue or buckle is not an anchor. It is the examiner's position that anchor is a broad term in the seat belt art and the broadest reasonable interpretation includes any of the connection points, including the tongue. The Examiner notes that the Applicant refers to the D-ring (4) in the instant application as the "shoulder anchor." As a further example, Greiner et al. (US 5,845,939) uses the term "anchoring point" to refer to each of the three points in the three point system (see Greiner et al. col. 2, lines 32-35) including the buckle. As such, the Applicant's assertion that Bell doesn't teach an anchor is not convincing.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greiner et al., Lane Jr., Otani et al., Pywell et al., Hiramatsu ('563 and '110) teach seat belt systems with pretensioners, all of interest.

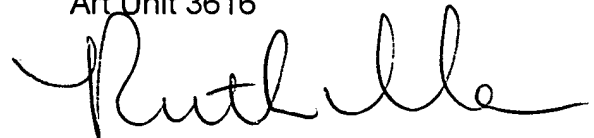
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

Art Unit: 3616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth Ilan
Primary Examiner
Art Unit 3616


10/17/05

RI

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